



09/681,530

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Wheeler, et al.

Application No.: 09/681,530

Filed: 4/24/2001

Title: System And Method For Determining User
Identity Fraud Using Similarity Searching

Art Unit: 2132

Examiner: Venkatanarayanan Perungavoor

Attorney Docket No.: 800528

Commissioner for Patents
Mail Stop Amendment
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE UNDER 37 CFR 1.111

Introductory Comments

Dear Sir:

The Applicants thank the Office for the consideration given the application in the Office communication of December 1, 2004. The Office has objected to claims 24 and 25 as being encompassed in claims 13 and 14, which depend on claim 1. Applicants have amended claims 24 and 25 to depend on claim 16. The Office has rejected claims 15 and 26 as being directed to non-statutory subject matter under 35 U.S.C. § 101. Applicants have canceled claims 15 and 26 and rewritten claims 15 and 26 as new claims 28 and 29 directed to statutory subject matter. Applicants have amended claims 1, 5-12, 16, 20-25 and 27. Applicants have added new claims 28-31. No new matter has been added to the specification by these amendments.

The Office has rejected claims 1-4, 12, 14, 16-19, 25 and 27 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,774,650 to Chapman et al. Applicants believe that the Office has not established a *prima facie* case for anticipation, since there are patentably distinguishable claimed features between the invention represented by these claims and reference

disclosure of Chapman et al. The Office has also rejected claims 5-11, 13 and 20-24 under 35 U.S.C. § 103(a) as being unpatentable over Chapman et al. (U.S. Patent No. 5,774,650) in view of U.S. Patent No. 6,026,398 to Brown et al, and in view of U.S. Patent No.6,626,092 to Berke. Applicants believe that the Office has not established a *prima facie* case for obviousness, since the prior art references of Chapman, Brown and Berke, when combined, do not teach or suggest all limitations of these claims. Entering of the following amendments, reconsideration and reexamination of the application is requested.